

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHER DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

BARBARA O'NEIL WILLIAM SEWELL,
JULIANNE HUBER, and MISSISSIPPI
STATE CONFERENCE OF THE
N. A. A. C. P.¹

Plaintiffs,

v.

DELBERT HOSEMANN, in his official
capacity as Secretary of State of the State
of Mississippi, KIMBERLY P. TURNER,
in her official capacity as Assistant Secretary
of State of the Elections Division, PHIL
BRYANT, in his official capacity as Governor
of the State of Mississippi, and the
MISSISSIPPI STATE BOARD OF ELECTION
COMMISSIONERS, and its individual
members, SECRETARY DELBERT
HOSEMANN, GOVERNOR PHIL BRYANT,
and ATTORNEY GENERAL JIM HOOD,
OFFICE OF ELECTION COMMISSIONERS
OF HARRISON COUNTY and OFFICE OF
ELECTION COMMISSIONERS OF HINDS
COUNTY,

Defendants.

CIVIL ACTION NO. 3:18CV815-DPJ-FKB

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65, and for the reasons stated in the

¹All plaintiffs have standing. The individual plaintiffs are threatened with the direct loss of their right to vote; the diversion of MS NAACP's resources described below establishes its organizational standing. *See Havens Realty Corp. v. Coleman*, 455 U. S. 363 (1982).

accompanying memorandum, Plaintiffs Barbara O'Neil, William Sewell, and Julianne Huber (collectively, "Plaintiffs") respectfully move, on an emergency basis, for a temporary restraining order and preliminary injunction requiring Defendants to take all action necessary to extend the deadline for absentee ballots to be returned by mail to be counted in the November 27th senatorial runoff election.

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs respectfully request the Court to enter a Temporary Restraining Order and/or a Preliminary Injunction extending the deadline for absentee ballots to be returned by mail to be counted in the November 27th senatorial runoff election.

This the 26th day of November, 2018.

Respectfully submitted,
BARBARA O'NEIL WILLIAM SEWELL,
JULIANNE HUBER, and MISSISSIPPI
STATE CONFERENCE OF THE N. A. A. C. P.,

PLAINTIFFS


/s/ Carroll Rhodes

Carroll Rhodes, Esq., MSB # 5314

Law Offices of Carroll Rhodes

Post Office Box 588

Hazlehurst, MS 39083

Telephone (601) 894-4323

Facsimile: (601) 894-1464

Email: crhode@bellsouth.net

Attorney for the Mississippi State Conference of the N.A.A.C.P.

Ezra D. Rosenberg, Esq. (*pro hac vice* to be filed)

Arusha Gordon, Esq. (*pro hac vice* to be filed)

Pooja Chaudhuri, Esq. (*pro hac vice* to be filed)

Jennifer Nwachukwu, Esq. (*pro hac vice* to be filed)

LAWYERS' COMMITTEE FOR CIVIL RIGHTS

UNDER LAW
1500 K Street NW, Suite 900
Washington, D. C. 2005
Telephone: (202) 662-8600
Facsimile: (202) 783-0857

Neil A. Steiner, Esq. (*pro hac vice* to be filed)
DECHERT LLP
1095 6th Avenue
New York, NY 10036
Telephone: (202) 698-3500
Facsimile: (212) 698-3599

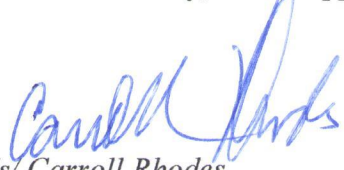
Julia Chapman, Esq. (*pro hac vice* to be filed)
Jillian Taylor, Esq. (*pro hac vice* to be filed)
DECHERT LLP
2929 Arch Street
Philadelphia, PA 19104
Telephone: (215) 994-2000
Facsimile: (215) 994-2222

CERTIFICATE OF SERVICE

I, Carroll Rhodes, one of the attorneys for the Plaintiffs, hereby certify that I have caused the following Defendants to be personally served, by a process server, with a copy of the foregoing Emergency Motion along with a summons and copy of the complaint filed in this case:

Honorable Jim Hood, Attorney General of the State of Mississippi
Honorable Phil Bryant, Governor of the State of Mississippi
Honorable Delbert Hosemann, Secretary of State of the State of Mississippi
Kimberly P. Turner c/o Office of the Secretary of State of the State of Mississippi
Office of Election Commissioners of Harrison County, Mississippi

This the 26th day of November, 2018.


/s/ Carroll Rhodes

Carroll Rhodes